App. F. IX-4

1949-50
(CB)

No 317-49
File No. 317-49
Serial Nos. 1, 2

Previous References.

Later References.

GENERAL AND REVENUE SECRETARIAT

Serial Nos. 2

✓

Part B for July 1950

SUBJECT

Grant of leave to Justice Sri N. Balakrishnan Judge High Court of Mysore. —

No S 158/CB 317-49-2 D. 3-7-50

To

The compiler
Mysore Gazette.

Notifying ! —

for 23/9/50

Furlough leave to justice Sri N. Balakrishnaiah.

[App. F. III-2

General and Revenue Secretariat | File No. 3676 | C-B of 195

WD 07558—GPB—1,000—28-1-50

Serial No.

Letter no. 673/49-50 dy 16-2-50 from the Registrar, High Court of Mysore requesting sanction of govt to the grant of furlough on full average salary to Justice Sri N. Balakrishnaiya in continuation of the existing summer vacation.

1) Submd. The Comptroller has certified that Justice Sri N. Balakrishnaiya has 1 month and 29 days furlough on 'half average salary' on 3-2-50 under art 205 & 209 of M. S. R — Vide copy of Comptroller's certificate enclosed to the letter ~~of~~ dy from the High Court. Under art 209 of M. S. R., an officer may be permitted to avail furlough on full average salary for a period equivalent to half the period of furlough on half average salary he is entitled to and such leave can be prefixed or affixed with the vacation under art 189.

2) A draft notification is put up for consideration

mB
18-2-50

3) Under the new Constitution, Judges of the High Court in Part B. States including Mysore State are appointed by the President of the Republic. Normally the appointing authority is ~~the~~ the authority for granting leave, unless this power is -

NOTE—Contn. Sheet

Furlough leave to Justice Sri. N. Balakrishniah.

File No. 5012/Law 3676 CB of 195 . | General and Revenue Secretariat

Serial No.

specifically delegated to any other authority.

4) In the circumstances, as the power to grant leave to High Court Judges in Mysore State has not been delegated by any order of the President to any other authority in the State, the leave applied for by Justice Sri N. Balakrishnaiya has - perhaps to be sanctioned by the President and notified in the Gazette of India.

5) If approved, the Communication received from the ~~Govt~~ High Court may be forwarded to the Govt. of India in the Ministry of States for necessary action under advice to the Govt.

18.2.50.

6) Chief Secy)

7) for [illegible] re. procedure.

8) Legl. Secy)

Sd/- 20/2/50

20/2/50

CHIEF SECRETARY. 8243 20 FEB 1950 GOVT. OF MYSORE.

DEPARTMENT. 6344 22 FEB 1950 GOVT. OF MYSORE.

9) Article 238(13) of the Constitution of India provides that "every judge shall be entitled to such allowances and to such rights in respect of leave of absence and pension as may from time to time be determined by or under law made by Parliament and until so determined to such allowances and rights as may be determined by the President after consultation with the Rajapramukh, provided that neither the allowances of a judge nor his rights in respect of leave of absence or pension shall be varied to his disadvantage after his appointment."

5012/Law.

Leave allowance of High Court Judges

Appx. F-III-2

General and Revenue Secretariat

File No. 3676/CB of 19 .

Serial No.

10) It is not known whether Parliament or President have made any provisions in this behalf. However, it is clear all these matters have to be decided by the President after consultation with the Raja-pramukh. A reference may, therefore, be made to the President.

SECRETARY, LAW DEPARTMENT 6420 22 FEB 1950

22/2

11) Law Secy) 1884 24/2

12) Chief Secy) 23/2

CHIEF SECRETARY 839 24 FEB 1950 GOVT. OF MYSORE

24/2/50.

13) Subd. A draft letter to the Govt. of India, Min of States is put up for consideration

25/2/50

14) Please put up a fair draft — urgently.

27.2.50.

15) Subd with the fair draft.

25/2/50

16) Chief Secy) 27.2.50

27.2.50.

17) May the draft be issued?

CHIEF SECRETARY 843 27 FEB 1950 GOVT. OF MYSORE

Office of the Chief Minister No. 6973. Date of Receipt 1/3/50.

18) Chief Secy) 28/2

19) May issue.

27/2/50.

28/2

No. 11746/C.B.A/6-3-50 to the Secy. Min of States.

Note.—Contn. Sheet.

Grant of leave to Justice Sri N. Balakrishniah

High Court of Mysore

File No. 3676/CB of 19

General and Revenue Secretariat

Serial No.

20) A draft telegram to the States Ministry is put up as per instructions

mnb
14/3/50

21) Issue

asmR
14/3/50

14.3.50.

Telegram issued

no. 12056/CB dt. 14-3-50 forwarding

fax copy in confirmation of the message

CHIEF SECRETARIAT 9229 GOVT. YSO.

22) Submitted with reference to Para 21 above 23) Chief Secy)

mnb
14/3/50.

asmR
15/3/50

14.3.50.

24) Copy to Registrar HC

asmR
15/3/50.

25) Draft and fair of letter to the Registrar, High Court are put up for approval & signature

mnb
16/3

26) Issue.

asmR
17-3-50

16.3.50.

no. 12205/C.B dt. 17-3-50 to the Registrar, High Court of Mysore

Telegram dt. 17-3-50 from the Ministry of States in the matter

27) Ministry of States have informed that the procedure regarding the grant of leave to judges is still under consideration and that Justice Sri. Balakrishniah may be granted leave by the

Grant of leave to Justice Sri N. Balakrishniah.

Serial No.

the authority who was competent to do so immediately before the new constitution came into force.

2) Under the circumstances, the draft notification sanctioning leave to Justice Sri N. Balakrishniah proposed in para 2 above is for consideration.

MB 18.3.50.

3) The condition contemplated in Art 209 (IV), M.S.R. to the effect that at the termination of the period of leave, the officer should still have six months' further duty due to him, is not absolute and may be relaxed. This condition may not be imposed in the present case also.

18.3.50.

4) Draft notifn is for approval

Chief Secy)

KSMR 18/3/50

5) Dft proceedings to Chapman Secretaries, and appl

Chief Minister

MS 18/3 KSMR 18/3/50

6) Noted - 7) Issue

21/3

MS 22/3 KSMR 22/3/50.

notification no. 12521/CB317-46-1 dt 23-3-50 —

no. 12558-9/CB 23-3-50 to the Registrar, High Court and the Secy. of State.

CHIEF SECRETARY 9334 18 MAR 1950 GOVT. OF MYSORE

Office of the Chief Minister No. 7649 Date of Receipt 20/3

NOTE—Contn. Sheet.

Grant of leave to Sri N. Balakrishnaiah

File No. Justice, High Court of Mysore of 195 | General and Revenue Secretariat

4368/CB/1385/C.B | Serial

34) Submitted for orders if the file may be closed.

mrb
27/3/50

35) May remain in Sri for some time for watching the receipt of a reply from the Govt. of India re: the procedure to be followed for grant of leave to Judges of the High Court.

sd/-
28.3.50.

36) sd/-
29.3.50.

28.3.50 Letter dt. 12-6-50 from Justice Sri N. Balakrishnaiya, ~~on leave~~ Justice on leave in London requesting to obtain sanction of leave for another month.

37) As seen from the certificate of leave furnished by the Comptroller on 6.2.50, ~~Hon~~ Justice Sri N. Balakrishnaiya has no leave at his credit to cover the period of extension asked for. The Registrar, High Court of Mysore may be requested to ascertain from the Hon'ble the kind of leave that may be sanctioned now and to forward the recommendations of the High Court in the matter.

38) A draft letter is put up for approval

mrb
19.6.50

39) Chief Secy)

sd/-
20/6/50

sd/-
20/6

19.6.50.

Noe 4504/C-B dt 21-6-50 to the Registrar, High Court of Mysore

sd/-
21/6/50

CHIEF SECRETARY 258 20 JUN 1950 GOVT. OF MYSORE

Grant of leave to Justice Sri N. Balakrishnaiya

4368 ∫ 1385 ∫ 1492/C.B

Letter no. 673/HC-SV dt 23-6-50 from the Registrar, High Court of Mysore recommending privilege leave to Justice Sri N. Balakrishnaiya.

40) A draft notification extending the leave is put up for consideration.

41) The Ministry of States have intimated in their telegram dt 19-3-50 that leave to Justice Sri N. Balakrishnaiya may be granted in accordance with the rules in force immediately before the commencement of the present Constitution until the procedure to be adopted in under the present constitution is got ready.

'O'

mb 27.6.50

42) Draft notification may be approved

Chief Secy)

27.6.50.

Kmk 27.6.50.

43) Will is sue after perusal.

Chief Minister)

28/6

Kmk 28/6/50

44) 29/6/50

1/7

Kmk 1.7.50.

CHIEF SECRETARY 2842 28 JUN 1950 GOVT OF MYSORE

OFFICE OF THE CHIEF MINISTER 2890 29 JUN 1950 OF MYSORE

OFFICE OF THE MINISTER FOR FINANCE & INDUSTRIES. No. 2137 Date 29-6-50

Notification no. S 156/C.B. 311-HC-2 dt 3-7-50 - Copies to the Registrar, High Court of Mysore, the Adv. Mysore, and the Asst. Secretary, Law Branch.

Sir

Letter no. 673/HC-SV dt 26-7-50 from the Registrar, High Court of Mysore regarding the cancellation of leave granted to Sri N. Balakrishnaiya, Justice.

Grant of leave to Justice Sri N. Balakrishnaiya
Judge High Court of Mysore
1492-J2169 J2180/CB J2367

Letter no. 673/48-50 dt 1-8-50 from the Registrar, High Court of Mysore requesting cancellation of leave from 29-7-50.

45) Justice Sri N. Balakrishnaiya has rejoined duty on the f.n. of 29-7-50. and the unexpired portion of the leave sanctioned to him has to be cancelled and the fact of having done so has to be intimated to the Govt. of India in the Min of State and the Hy. Mysore.

46) A draft letter is put up for consideration.

MB 1/8/50.

47) Chief Secy) KSMR 2/8/50

48) Done & put up to Chief Min.

2.8.50.

CHIEF SECRETARY U.O. SECTT 2 AUG 1950 GOVT OF MYSORE

MB 2/8

KSMR 2/8/50

No. 7160/CB dt 3-8-50 to the Secy. to Govt of India Min of State - Copied to the Registrar, High Court of Mysore, the A.G. Mysore, the Law Sec.

49) Resubmitted after issue.

MB 3-8-50

KSMR 2/8/50

50) Chief Min)

3.8.50.

51) Kibb 6/8/50

Office of the ... Rec'd No. 3139 Date of Receipt 5-8-50

MB 7-8-50

KSMR 7/8/50

7/8

WD 010975- GPB—2,000—20 7-50

Serial No.

Letter no. 442/C.A.D dy 11-8-50 from the Addl. Secy requesting to apprise his office of the authority of the State Govt to grant leave to Justice Sri R. Balakrishnaiya under the new constitution.

S/2) The Hon'ble Rajpramukh of States in his telegram dy 17.3.50 have permitted the State Govt to grant leave to Judges including the Chief Justice of the High Court of Mysore pending the adoption of the procedure in the matter that is still under consideration of the Govt. of India.

'O'

S/3) A draft reply to the Addl. Secy is put up for approval.

ms/ 18-8-50 S/d Chief Secy Typed 19.8.50

18.8.50.

S/5) 20.8.50.

Typed 21/8/50

Let our no. 2733/C.B dy 22.8.50 to the Addl. Secy.

Copied to the Registrar, High Court of Mysore, & the Law Secy

S/6) Instructions issued earlier in the matter by the Hon'ble Rajpramukh of States do not differ from the provisions in the High Court Judges (Part B States) (Salaries & allowances) Order 1950 a copy of which is placed in the file. Please see section 5 of the said order.

S/7) For orders if this file may be closed and recorded as B.

21/9/50

S/8) Yes

Typed 22/8/50

ms/ 22-8-50

22.8.50.

NOTE—Contn. Sheet.

CHIEF SECRETARY 4461 19 AUG 1950 GOVT. OF MYSORE

IMMEDIATE

Ft. MB 3676
CB

R. O. C. No. 673/49-50
~~D. Dis.~~
Enc: one

HIGH COURT OF MYSORE,
Public Office Buildings, Cubbon Park,
Bangalore. 16th February ***19***50.

FROM

SRI J. RUDRAPPA, M.A., LL.B.,
Registrar, High Court of Mysore.

To

Sri K. Srinivasan, B.Sc.,
Chief Secretary to Government, of Mysore,
Bangalore.

CHIEF SECRETARY
17 FEB 1950
GOVT. OF MYSORE

Sir

I am directed to state that Justice Sri N. Balakrishnaiya, has requested the Chief Justice to permit him to avail himself of such leave as he is entitled to for a period of one month in continuation of the ensuing summer vacation, as he is advised by Doctors to take a sea voyage and he intends going on a health tour to Europe and the United Kingdom in April next. In this connection the Comptroller who was requested to furnish a certificate as to the amount of leave at the credit of the said officer, has sent a leave certificate and a copy of the same is herewith enclosed for kind reference.

I am directed by the Chief Justice to request you therefore kindly to take necessary action in the matter of granting Furlough leave on full average salary to Justice Sri N. Balakrishnaiya, for one month in continuation of the ensuing summer holidays.

Yours faithfully,

J. Rudrappa
REGISTRAR.

ANR.

Comptroller's Office,
Bangalore
No.12 G.A.D. Dated,6th Feb. 1950.

LEAVE CERTIFICATE

Certified that Justice Sri N. Balakrishnaiya, B.A.,LL.B., Judge, High Court of Mysore, Bangalore, under the Mysore Government was entitled to (1) Privilege leave on full pay for one day (ii) privilege leave on half pay for one month and twenty three days and (iii) furlough on half average salary for one month and 29 days on 3rd February 1950, leave under Article 181(4)(1) and 205 & 209 of the Mysore Service Regulations.

Sd./- M. Veeraraja Urs
Asst. Comptroller

"C o p Y"

J. Rudrappa
REGISTRAR.

ANR.

DRAFT

6/3/50

To 117 66/CA

The Secretary to Government of India,

Ministry of States.

Sir,

Subject: Justice Sri N.Balakrishniah - High Court of Mysore - Grant of furlough leave on full average salary to.

I am directed to state that the Chief Justice of the High Court of Mysore has forwarded for necessary action a proposal for the grant of furlough leave on full average salary for one month in continuation of the ensuing Summer Vacation to Justice Sri N.Balakrishniah, a Judge of the High Court of Mysore, who intends going on a health tour to Europe and U.K. in April next. A copy of the letter received in this behalf from the Registrar of the High Court of Mysore and a copy of the leave certificate furnished by the Comptroller to Government are enclosed..

As the procedure to be followed in the matter of granting leave to Judges of the High Court in Part B. States is not yet clearly laid down and the matter is still under consideration as per States Ministry letter No.F.245-P/49 dated 23/2/50, I am to request you kindly to advise how the proposal in the matter of granting leave to Justice Sri N.Balakrishniah is to be dealt with. An immediate reply is requested.

Yours faithfully,

28/2

Chief Secretary to Government.

27.2.50.

27.2.50. 27/2

XXXXXXXXXXXXXXXXXXXXXXXXX

4th March, 50

11746/CS
Let.2

xxxxxxxxx
xxxxxxxxxxxx

The Secretary to Government of India,
Ministry of States, New Delhi.

Subject: Justice Sri N.Balakrishniah - High Court of Mysore - Grant of furlough leave on full average salary to.

....

I am directed to state that the Chief Justice of the High Court of Mysore has forwarded for necessary action a proposal for the grant of furlough leave on full average salary for one month in continuation of the ensuing Summer Vacation to Justice Sri N.Balakrishniah, a Judge of the High Court of Mysore, who intends going on a health tour to Europe and United Kingdom in April next. A copy of the letter received in this behalf from the Registrar of the High Court of Mysore and a copy of the leave certificate furnished by the Comptroller to Government are enclosed.

As the procedure to be followed in the matter of granting leave to Judges of the High Court in Part B States is not yet clearly laid down and the matter is still under consideration as per States Ministry letter No.F.245-P/49 dated 23-2-50, I am to request you kindly to advise how the proposal in the matter of granting leave to Justice Sri N.Balakrishniah is to be dealt with.

An immediate reply is requested.

Yours faithfully,

Chief Secretary to Government.

G. R. S. App. F. G. 3.]

GENERAL AND REVENUE.

SECRETARIAT.

(*Continuation sheet draft form.*)

Draft

Express Telegram

'Statesmid'

New Delhi.

No. 11746/53.

Referee.

~~Please refer~~ letter ~~of~~ dated March Sixth regarding grant of leave to Justice of Mysore Sri Balakrishniah, High Court ~~of Mysore~~ (:) Please expedite immediate reply ~~requested~~.

Secret

Post copy wires to the Secy to Govt. of India, Ministry of States for

14/3/50.

for Chief Secy.

mb 14/3/50

14.3.50.

EXPRESS TELEGRAM

STATESIND
NEW DELHI

REFERENCE LETTER NO:11746/CB DATED SIXTH MARCH REGARDING GRANT OF LEAVE TO JUSTICE SRI BALAKRISHNIAH OF MYSORE HIGH COURT (.) PLEASE EXPEDITE REPLY (.)

CHISEC

NOT TO BE TELEGRAPHED: General & Revenue Secretariat, Bangalore, dated 14/3/50.

Sd.- K. Srinivasan.
Chief Secretary to Government.

Memo No.- 12056/C Dated 14th March, 1950.

Post copy in confirmation forwarded with compliments to the Secretary to Government of India, Ministry of States New Delhi.

14/3/50
Chief Secretary to Government.

XXXXXXXXXXXXXXXXXXXXXXXXXX

12205/50
Sec: I

16th March, 50

xxxxxxxxx
xxxxxxxxxxxx

The Registrar, High Court of Mysore,
Bangalore.

Sir,

I am directed to forward herewith for information a copy of express telegram issued to the Ministry of States on 14-3-1950 regarding the grant of leave to Justice Sri N.Balakrishniah.

Yours faithfully,

Chief Secretary to Government.

Read 7 am CB

4668/CB

23

Action today

18/3/50.

INDIAN POSTS AND TELEGRAPHS DEPARTMENT

BANGALORE CITY TEL. 17 MAR 50 BANGALORE

NOTICE

This is a true copy of the message which corresponds with this telegram

Charges to pay

Rs. As.

Received at Office of Origin Date Time

Words

New Delhi 17

Chief Secretary

Bg S

360LP reference Your letter no: II 7.46/CB

Dated fourth march 1950 (a)

procedure regarding grant of leave To

judges under consideration (c) meantime

leave may be granted To justice ...

Bala ... in accordance with rules

Draft Notification

12521/CB317-49-1) 23-3-50

Tender articles 189 and 209

of M.S.R. Justice Sri N. Balakrishnaiah, B.A., LL.B. is Judge, High Court of Mysore

granted furlough on full average salary for a period of one month and is permitted to Suffix the ~~preceding~~ Same to like succeeding summer vacation.

B.O. of WD

18/3/50. Chief ~~Laws~~ Secy.

To The Comptroller. M.G.

12522-23/CB

Copy u/s to 1) The Registrar. High Court

4) Comptroller,

Copy to Law Br):

18/3 Copy with c.l. to States Ministry.

18.3.50.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

No. 12521/C.B.317-49-1. General and Revenue Secretariat

Dated, Bangalore, 23rd March *1950.*

NOTIFICATION.

Under Articles 189 and 209 of the Mysore Service Regulations, Justice Sri N. Balakrishniah, B.A., LL.B., Judge, High Court of Mysore, is granted furlough on full average salary for a period of one month and is permitted to suffix the same to the ensuing summer vacation.

By Order of His Highness the Maharaja,

Sd/- K.SRINIVASAN.

Chief Secretary to Government.

To
The Compiler, Mysore Gazette, for publication in the Gazette.

Memo No.12522-23/C.B. Dated the 23rd March 1950.

Copy of the above is forwarded with compliments to:

1. The Registrar, High Court of Mysore, Bangalore.
2. The Comptroller to the Government of Mysore, Bangalore.
3. The Secretary to the Government of India, Ministry of States, New Delhi, with the covering letter.

Copy of Law Branch.

K.N. Ramakrishnaya
For Chief Secretary to Govt.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

No. 12521/C.B.317-49-1.

General and Revenue Secretariat,

Dated, Bangalore, 23rd March 1950

NOTIFICATION.

Under Articles 189 and 209 of the Mysore Service Regulations, Justice Sri N. Balakrishniah, B.A., LL.B., Judge, High Court of Mysore, is granted furlough on full average salary for a period of one month and is permitted to suffix the same to the ensuing summer vacation.

By Order of His Highness the Maharaja,

Sd/- K.SRINIVASAN.

Chief Secretary to Government.

To
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Memo No.12522-23/C.B. Dated the 23rd March 1950.

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1. The Registrar, High Court of Mysore, Bangalore.
2. The Comptroller to the Government of Mysore, Bangalore.
3. The Secretary to the Government of India, Ministry of States, New Delhi, with the covering letter.

Copy of Law Branch.

Sd/- N. Ramakrishnaraya

For Chief Secretary to Govt.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

No. 12521/C.B.317-49-1. General and Revenue Secretariat,

Dated, Bangalore, 23rd March *19*50.

NOTIFICATION.

Under Articles 189 and 209 of the Mysore Service Regulations, Justice Sri K. Balakrishniah, B.A., LL.B., Judge, High Court of Mysore, is granted furlough on full average salary for a period of one month and is permitted to suffix the same to the ensuing summer vacation.

By Order of His Highness the Maharaja,

Sd/- K.SRINIVASAN.

Chief Secretary to Government.

To
The Compiler, Mysore Gazette, for publication in the Gazette.

Memo No.12522-23/C.B. Dated the 23rd March 1950.

Copy of the above is forwarded with compliments to:

1. The Registrar, High Court of Mysore, Bangalore.
2. The Comptroller to the Government of Mysore, Bangalore.
3. The Secretary to the Government of India, Ministry of States, New Delhi, with the covering letter.

Copy of Law Branch.

For Chief Secretary to Govt.

ZXZXZXZXZ XZ XZ XZ XZ XZXZXZXZXZXZ XZ XZ XZ XZ XZ XZ XZ XZ XZ XZZZZ
GOVERNMENT OF MYSORE.

23rd March /50

12558-9/CB.

ZXZXZXZXZXZ
ZXZXZXZXZXZXZX

1. The Secretary to the Govt. of India,
Ministry of States.

2. The Registrar, High Court of Mysore.

Sir,

I am directed to forward herewith a copy of Government Notification No.12521/C.B.317-49-1 dated the 23rd March 1950 regarding the grant of furlough leave on full average salary for a period of one month to Justice Sri N. Balakrishniah, B.A., LL.B., Judge, High Court of Mysore, Bangalore.

Yours faithfully,

28/3/50

For Chief Secretary to Government.

1385/CB
Sri MB

JUSTICE MR. N. BALAKRISHNAIYA
HIGH COURT OF MYSORE

"ANANDALE"
10, CUNNINGHAM ROAD
BANGALORE

C/. The Trade Commissioner for Mysore
9. Clifford St. London W.1.

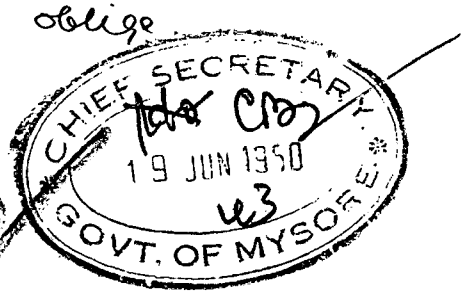
London
12th June 50.

To
The Chief Secretary
Govt of Mysore, Bangalore.

Dear Sir,

Ref: Leave Application.

I am granted a month's leave in continuation of Summer Vacation which will expire on the 4th July 50. I have not been able to obtain passage to India to join duty within that period. I have booked my passage by the earliest ship available (P.x O'S - S.S. Shantcaird) which leaves U.K. to Bombay on the 6th July. I therefore request you to kindly get sanction of leave for another month and oblige



I am
Yours
N. Balakrishnaiya

P.S. A separate letter of request has been sent to the Chief Justice to recommend leave prayed for.

Sig.

Appendix F. G.—1]

SUBJECT Extension of leave to Justice Sri N. Balakrishnaiya, Judge, High Court of Mysore

Immediate.

Section

File No.

Serial No.

Diary No. of letter replied to.....

No. 4504/43.

General and Revenue Secretariat

( )

the 19 .

To

The Registrar,
High Court of Mysore.

Date of issue.....

Signed by.....

Sir,

I am directed to forward herewith a copy letter dt 12-6-50 from Justice Sri N. Balakrishnaiya applying for an extension of leave by one month and kindly placing it before the ~~High Court~~ Chief Justice and communicating ~~their~~ his recommendations in the matter to the ~~Govt. of Mysore~~.

The ~~date~~ kind of leave to be granted may also be intimated ~~the Justice is entitled to may also be ascertained from~~ after consulting the A.G, Mysore. and intimated.

List of enclosures.....

yy 19/6

20/6/50 for Chief Law Secy

Copied by.....

mb 19.6.50

Examined by.....

19.6.50

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

General and Revenue Secretariat,

No. 4504/GS
Evets Sec

IMMEDIATE. *Dated Bangalore, 21st June 1950*

FROM

The Chief Secretary to the Government of His Highness the Maharaja of Mysore.

To

The Registrar,
High Court of Mysore,
BANGALORE.

SIR,

Subject:- Extension of leave to Justice Sri N. Balakrishnaiya, Judge, High Court of Mysore.

I am directed to forward herewith a copy of letter dated the 12th June 1950 from Justice Sri N. Balakrishnaiya applying for an extension of leave by one month for kindly placing it before the Chief Justice and communicating his recommendation in the matter to the Government.

The kind of leave to be granted may also be intimated after consulting the Accountant-General, Mysore, Bangalore.

Yours faithfully,

21/6/50

Chief Secretary to Government.

1492/CB
Sri MB

R. O. C. No. 673/49-50
Encl: one

HIGH COURT OF MYSORE,
Public Office Buildings, Cubbon Park,

Bangalore...23rd...J...u...n...e.....*1950*.

From

The *Registrar, High Court of Mysore.*

To

The Chief Secretary to
the Government of Mysore,
Bangalore.

Sir,

I am directed to state that Justice Sri N. Balakrishnaiya, has requested that as it may not be possible for him to obtain passage to India in time to join duty on the expiry of the furlough granted to him in Government Notification No.12521/CB.317-49-1,dated the 23rd March 1950, he may be granted further leave in continuation for another month. The Summer vacation for the High Court was from 3-4-1950 to 3-6-1950 and as such the furlough granted to him in the notification referred to above commenced from 4-6-1950 and will expire on 3-7-1950. As per the Accountant General's leave certificate, copy of which is enclosed herein, he may be granted a month's privilege leave for the period from 4-7-1950 to 3-8-1950 (privilege leave on full salary for one day and privilege leave on half salary for the remaining period). As 4th August 1950 ~~being~~ is a general holiday, Justice Sri N. Balakrishnaiya may be permitted to suffix the same to the extension of leave.

CHIEF SECRETARY
24 JUN 1950
GOVT OF MYSORE

Yours faithfully,

REGISTRAR.

ANR.

No. 12. G.A.D.

Comptroller's Office,
Bangalore,
Dated 6th February 1950.

LEAVE CERTIFICATE.

Certified that Justice Sri N. Balakrishnaiya B.A., LL.B., Judge, High Court of Mysore, Bangalore, under the Mysore Government was entitled to (1) Privilege leave on full pay for one day (ii) Privilege leave on half pay for one month and twenty three days and (iii) Furlough on half average salary for one month and 29 days on 3rd February 1950, leave under Article 181(4)(1) and 205 and 209 of the Mysore Service Regulations.

Sd./- M. Veeraraj Urs.
Asst. Comptroller.

"C o p Y"

REGISTRAR.

ANR.

G. R. S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT

(*Continuation sheet draft form*).

Draft

Notification.

No - 5156/GB 317-49-2 Dy 3-7-50.

The furlough leave on full average salary for a period of one month from 4-6-1950 granted in continuation of the summer vacation to Justice Sri N. Balakrishnaiya, B.A., L.L.B., Judge, High Court of Mysore in notification no. 12521/C.B 317-49-1 Dy 23-3-50 is extended by one month, of privilege leave which one day will be on full pay and the rest privilege leave on half pay. ~~and~~ with permission to affix the gazetted holiday on the 4th August 1950. ~~to the leave is permitted.~~

B. o. of Hrt

468/2876

Chief Secy

To Comptroller, M.G

P.T.O.

27.6.50.

WD 06819—GPB—25,000—26-7-49

Memo No. 5152-59/ER 9.3.7.50

Copy sent to (i) the Registrar, High Court of Nepal (with a c.L)

(ii) the Actg. Deputy

(iii) " Secy. H.M.G. Ministry of States (with a c.L).

Copy to Law Branch

Initials
9.6.50

GOVERNMENT OF ~~HIS HIGHNESS THE MAHARAJA OF~~ MYSORE.

No 5156/C.B.317-49-2.

General and Revenue Secretariat,
Dated, Bangalore, 3rd July 1950.

NOTIFICATION.

The furlough leave on full average salary for a period of one month from 4th June 1950 granted in continuation of the summer vacation to Justice Sri N. Balakrishnaiya, B.A., LL.B., Judge, High Court of Mysore in Notification No.12521/C.B. 317-49-1 dated 23rd March 1950 is extended by one month, of which one day will be privilege leave on full pay and the rest privilege leave on half pay with permission to affix the holiday on the 4th August 1950.

By Order of His Highness
the Maharaja,

3.7.50

Chief Secretary to Government.

To

The Compiler, Mysore Gazette, for publication.

GOVERNMENT OF ~~HIS HIGHNESS THE MAHARAJA OF~~ MYSORE.

General and Revenue Secretariat,

No. 5180/C6.

Dated Bangalore, 3rd July 1950.

FROM

Chief
The/Secretary to the Government of
~~*His Highness the Maharaja of*~~ *Mysore.*

To

The Secretary to the Government of India,
Ministry of States,
New Delhi.

Sir,

I am directed to forward herewith, for information, a copy of Government Notification No.5156/C.B. 317-49-2 dated 3rd July 1950 regarding the grant of leave to Justice Sri N.Balakrishnaiya,B.A., LL.B., Judge, High Court of Mysore.

Yours faithfully,

Chief Secretary to Government.

2169/CB
Sri MB

R. O. C. No. 673/49-50
Encl: One

HIGH COURT OF MYSORE,
Public Office Buildings, Cubbon Park,

Bangalore 25th July 1950.

From

The *Registrar, High Court of Mysore.*

To

The Chief Secretary
to Government of Mysore,
Bangalore.

Sir,

Adverting to Government ~~Order~~ notification No.5156/CB.317-49-2, dated 3rd July 1950, extending the furlough leave on full average salary for a period of one month from 4th June 1950 granted in continuation of Summer vacation to Justice Sri N. Balakrishnaiya in Notification No.12521/CB.317-49-1 dated 23-3-1950 by one month with permission to affix the holiday on the 4th August 1950, I am directed to state that Justice Sri N. Balakrishnaiya in his letter dated 22nd July 1950 has written to state that he landed in Bombay on 22nd July, that he hopes to arrive at Bangalore on the evening of the 26th and that he intends to rejoin duty on Saturday the 29th instant. A copy of the letter is also enclosed for kind information of the Government.

Under the above circumstances I am directed to request you kindly to take necessary action for getting the period of leave from 29th July 1950 to 3-8-1950 cancelled.

Yours faithfully,

REGISTRAR.

CB 26.7.50.

ANR.2

Letter dated 22nd July 1950, from Justice Sri N. Balakrishnaiya, Camp Bombay, to the Registrar, High Court of Mysore, Bangalore.

I landed in Bombay this morning and I am leaving this place on Tuesday and arrive at Bangalore on the evening of 26th instant.

I intend to rejoin duty on Saturday the 29th instant.

"C o p y"

REGISTRAR.

ANR.2.

2180/CB
Sl. nos

R. O. C. No. 673/49-50
Encl: one

HIGH COURT OF MYSORE,
Public Office Buildings, Cubbon Park,
Bangalore 25th July 1950
26

FROM

~~SRXXIXXRIDERMERRAXXXXXXXXX~~,
The *Registrar, High Court of Mysore.*

CB

To

The Chief Secretary
to Government of Mysore,
Bangalore.

SECRET. & LAW DEPARTMENT
26 JUL 1950
GOVT

SIR,

Adverting to Government ~~Order~~ Notification No.5156/CB.317-49-2, dated 3rd July 1950, extending the furlough leave on full average salary for a period of one month from 4th June 1950 granted in continuation of Summer vacation to Justice Sri N. Balakrishnaiya in Notification No.12521/CB.317-49-1 dated 23-3-1950 by one month with permission to affix the holiday on the 4th August 1950, I am directed to state that Justice Sri N. Balakrishnaiya in his letter dated 22nd July 1950 has written to state that he landed in Bombay on 22nd July, that he hopes to arrive at Bangalore on the evening of the 26th and that he intends to rejoin duty on Saturday the 29th instant. A copy of the letter is also enclosed for kind information of the Government.

Under the above circumstances I am directed to request you kindly to take necessary action for getting the period of leave from 29th July 1950 to 3-8-1950 cancelled.

Yours faithfully,

Sd./- B.R. Ramalingiah.

REGISTRAR.

Copy forwarded, with compliments, to the ~~Law~~ Secretary to Government of Mysore, Law Department, Bangalore, for information.

REGISTRAR.

ANR.2

Letter dated 22nd July 1950, from Justice Sri N. Balakrishnaiya, Camp Bombay, to the Registrar, High Court of Mysore, Bangalore.

I landed in Bombay this morning and I am leaving this place on Tuesday and arrive at Bangalore on the evening of 26th instant.

I intend to rejoin duty on Saturday the 29th instant.

"Copy"

REGISTRAR.

ANR.2.

Urgent.

R. O. No. 673/49-50

HIGH COURT OF MYSORE,
Public Office Buildings, Cubbon Park,

Bangalore, 31st July 1950.

1-8-50

FROM

The *Registrar, High Court of Mysore.*

To

The Chief Secretary to the Government of Mysore,
BANGALORE.

SIR,

In continuation of this office letter of even number dated 26-7-1950 I am directed to report that Justice Sri N. Balakrishnaiya has reported himself for duty in the forenoon of the 29th July 1950 cancelling the unexpired portion of the leave sanctioned to him in G.O. No.5156/C.B. 317-49-2 dated the 3rd July 1950.

Yours faithfully,

Registrar.

CHIEF SECRETARY
72
1 AUG 1950
CB
GOVT. OF MYSORE

2367/CB

R O. C. No. 672/49-50

HIGH COURT OF MYSORE,
Public Office Buildings, Cubbon Park,

Bangalore, 31st July 1950.

1-8-50

SECRETARY, LAW DEPARTMENT
1 AUG 1950
GOVT. OF MYSORE

FROM

The Registrar, High Court of Mysore.

To

The Chief Secretary to the Government of Mysore,
BANGALORE.

SIR,

In continuation of this office letter of even number dated 26-7-1950 I am directed to report that Justice Sri N. Balakrishnaiya has reported himself for duty in the forenoon of the 29th July 1950 cancelling the unexpired portion of the leave sanctioned to him in G.O. No.5156/C.B. 317-49-2 dated the 3rd July 1950.

Yours faithfully,
Sd/- B.R. Ramalingiah,

Registrar.

Copy forwarded with compliments to the Secretary to the Government of Mysore, Law Department, Bangalore, for information.

Registrar.

Appendix F G—1]

SUBJECT Cancellation of the unexpired portion of leave sanctioned to Justice Sri N. Balakrishnaiya, B.A. LLB. Judge High Court of Mysore.

Section

File No.

Serial No.

Diary No. of letter replied to .....

No. 7160/CB. Dt. 3-8-50

General and Revenue Secretariat

( )

the 19 .

To The Secy to G.o.I.
Min of State.

Sir,

Date of issue.....

Subject —

Ref. Govt. of Mysore letter

Signed by..... Dt 5180/CB. Dt 4-7-50.

In continuation of the letter cited above, I am directed to say that Justice Sri N. Balakrishnaiya, ~~BA~~ Judge, High Court of Mysore ~~has~~ rejoined duty on the forenoon of 29-7-50 and the unexpired portion of the leave sanctioned to him in

List of enclosures.....

Copied by.....

Examined by.....

WD 06818—GPB—25,000—9-7-49.

Govt. of Mysore Notification
no. S 156/CB 317-HG-29 3-7-50
from 29-7-50 to 4-8-50 (both
days inclusive) has been cancelled.

yy
1/8/50

Chief Secy

dsmR
1/8/50

Copy forwarded to the Registrar,
High Court of Mysore with a c.d.
Reference to the correspondence
ending with his letter no. 673/HG-50
dt 1-8-50.

Copy forwarded to the Addl. Mysore
Copy to Law Br.

subs
1/8/50

dsmR
1/8/50.

1.8.50.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

General and Revenue Secretariat,

No. 7160/GS. *Dated Bangalore, 3 2 August 1950.*

FROM

The Chief Secretary to the Government of His Highness the Maharaja of Mysore.

To

The Secretary to the Government of India,
Ministry of States,
New Delhi.

SIR,

Subject: Cancellation of the un-expired portion of the leave sanctioned to Justice Sri N. Balakrishnaiya, B.A., LL.B., Judge, High Court of Mysore.

Reference: Government of Mysore letter No.5160/C.B. dated 4th July 1950.

In continuation of the letter cited above, I am directed to say that Justice Sri N. Balakrishnaiya, Judge, High Court of Mysore, rejoined duty on the forenoon of 29th July 1950 and the un-expired portion of the leave sanctioned to him in Government of Mysore Notification No.5156/C.B.317-49-2 dated 3rd July 1950 from 29th July 1950 to 4th August 1950 (both days inclusive) has been cancelled.

Yours faithfully,

(SD) K. SRINIVASAN.

Chief Secretary to Government.

Memo No. 7161/GS.

Copy of the above is forwarded with compliments to the Registrar with reference to the correspondence ending with his letter No.673/49-50 dated 1st August 1950.

Copy with compliments to the Accountant General, Bangalore.

Yours copy

N. Ramakrishnaiya
Chief Secretary to Government.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.
XXXXXXXXXXXXXXXXXXXXXXXXXX

General and Revenue Secretariat,

No. 7160/CR. *Dated Bangalore,.....194*
31 August 50.

FROM

The Chief Secretary to the Government of His Highness the Maharaja of Mysore.
XXXXXXXXXXXXXXXXXXXXXXXXX

To

The Secretary to the Government of India,
Ministry of States,
New Delhi.

SIR,

Subject: Cancellation of the un-expired portion of the leave sanctioned to Justice Sri N. Balakrishnaiya, B.A., LL.B., Judge, High Court of Mysore.

Reference: Government of Mysore letter No.5160/C.B. dated 4th July 1950.

In continuation of the letter cited above, I am directed to say that Justice Sri N. Balakrishnaiya, Judge, High Court of Mysore, rejoined duty on the forenoon of 29th July 1950 and the un-expired portion of the leave sanctioned to him in Government of Mysore Notification No.5156/C.B.317-49-2 dated 3rd July 1950 from 29th July 1950 to 4th August 1950 (both days inclusive) has been cancelled.

Yours faithfully,

(SD) K. SRINIVASAN.

Chief Secretary to Government.

Memo No. 7161/CR 9.8.50

Copy of the above is forwarded with compliments to the Registrar with reference to the correspondence ending with his letter No.673/49-50 dated 1st August 1950.

Copy with compliments to the Accountant General, Bangalore.

Copy to Law Branch)

Hmp 31/8/50
WD
Chief Secretary to Government.

2693/CB
Sri MB

OFFICE OF THE ACCOUNTANT-GENERAL,
MYSORE,

No. 442/GAD. *Bangalore, dated* 11-8-1950.

From

The Accountant-General, Mysore,
Bangalore.

To

The Chief Secretary to Government of Mysore,
Bangalore.

Sir,

Adverting to Government Notifications Nos. 12521-23/C.B. dated 23-3-50, 5156/C.B.317-49-2 dated 3-7-50 granting Furlough and Privilege leave respectively to Sri N.Balakrishniah, B.A., LL.B., Judge, High Court of Mysore, I write to state that under Article 238 (item 13) of the Constitution of India, it appears that such Notifications regarding grant of leave etc. can be issued only by the President after consultation with the Raja Pramukh and not by the Local Government. I therefore request you to kindly consult the Law Department of Government and apprise this office of the correct Constitutional position. The bill preferred by Sri N. Balakrishniah claiming his leave allowance for June 50, has however, been passed provisionally.

Yours faithfully,

ACCOUNTANT GENERAL, MYSORE.

Kmn.

CHIEF SECRETARY 121 14 AUG 1950 GOVT. OF MYSORE

14/8/50

Appendix F G—1]

SUBJECT Grant of leave to Justice Sri N. Balakrishnaiya, Judge, High Court of Mysore

General and Revenue Secretariat

( )

the *19*

Date of issue

Signed by

List of enclosures

Copied by

Examined by

Diary No. of letter replied to

Section

File No.

Serial No.

No. 7733/GB Encl: 1 Dt. 22.8.50.

To The A.G. Mysore.

Sir,

Subject —

Ref. your letter no. 442/GAD dt 11-8-50

I am directed to say that the Govt of India in the Ministry of State ~~have~~ advised this Govt to grant leave to Justice Sri N. Balakrishnaiya, Judge, High Court of Mysore in accordance ~~with~~ ~~recommendations~~ with the M.I.R. pending the adoption of the procedure in the matter of grant of leave to Judges

of the High Courts Act is still
under consideration of Govt of
India.

A copy of Telegram dt 19-3-50
received from Secretary of State
in this connection is enclosed for
information.

Memo no. 7734-357/GB.

11/5/2018

Chief Secy.
19.5.50.

Copy forwarded to the Registrar, High
Court of Mysore with a copy of
letter no. 4442/GAD. dt 11-8-50
from the Addl. Secy.

Copy for info to the Law Secy.

18-8-50

18.8.50.

GOVERNMENT OF MYSORE.

General and Revenue Secretariat,

No. 7733/CB. Encl 1

Dated Bangalore, 22nd August .....1950.

FROM

The Chief Secretary to the Government of Mysore.

To

The Accountant-General, Mysore, Bangalore.

SIR,

Subject: Grant of leave to Justice Sri N. Balakrishnaiya, Judge, High Court of Mysore.

Reference: Your letter No. 442/CAD dated 11th August 1950.

I am directed to say that the Government of India in the Ministry of States advised this Government to grant leave to Justice Sri N. Balakrishnaiya, Judge, High Court of Mysore in accordance with the Mysore Service Regulations pending the adoption of the procedure in the matter of grant of ~~same~~ leave to Judges of the High Courts that is still under consideration of Government of India.

A copy of their relegram dated 17th March 1950 in this connection is enclosed for information.

Yours faithfully,

(Sd) K.SRINIVASAN,

Chief Secretary to Government.

Memo No. 7734/CB. Encl 2

Dated 22nd August 1950.

Copy of the above is forwarded with compliments to the Registrar, High Court of Mysore, with a copy of letter No. 442/CAD dated 11th August 1950 from the Accountant-General, Mysore.

SD/ K.Srinivasan,

for CHIEF SECRETARY TO GOVERNMENT.

PTO

Memo. no. 7735/CB. Encl 2

Dated 22-8-50.

Copy of the foregoing is forwarded with compliments to the Secretary to Government, Law Department.

for Chief Secretary to Government.

22/8/50

O R D E R

THE HIGH COURT JUDGES (PART B STATES)(SALARIES & ALLOWANCES) ORDER, 1950.

In exercise of the powers conferred by Article 221 of the Constitution of India, as applied to the States in Part B of the First Schedule by clause (1) of Article 238 thereof, the President, after consultation with the Rajpramukh, is pleased to make the following order:-

1. (1) This order may be called the High Court Judges (Part B States) (Salaries and Allowances) Order, 1950.

(2) It shall be deemed to have come into force on the 26th day of January, 1950.

2. In this Order, -

(a) "actual service" includes -

(i) time spent by a Judge on duty as a Judge or in the performance of such other functions as he may at the pm request of the President undertaken to discharge;
(ii) vacations, excluding any time during which the Judge is absent on leave; and
(iii) joining time on transfer from a High Court to the Supreme Court or from one High Court to another;

(b) "continuing Judge" means a person who has become a Judge of the High Court in a Part B State by virtue of the provisions of clause (2) of Article 376 of the Constitution;

(c) "Part B State" means a State specified in Part B of the First Schedule to the Constitution, other than the State of Jammu and Kashmir.

3. There shall be paid to every continuing Judge in respect of time spent on actual service salary at the same rate as was applicable to him immediately before the commencement of the Constitution in respect of time spent on actual service in the High Court for the corresponding Indian State, or at the rate of one thousand rupees per month, whichever is higher.

4. Every continuing Judge shall be entitled to receive such reasonable allowances & to reimburse him for expenses incurred in travelling on duty within the territory of India, and shall be afforded such reasonable facilities in connection with the travelling, as may be prescribed by the President after consultation with the Rajpramukh, and until so prescribed, as may have been permissible to that Judge under the rules or orders of the corresponding Indian State in force immediately before the commencement of the Constitution.

5. The rights in respect of leave of absence (including leave allowances) and pension of every continuing Judge shall be governed by the provisions which immediately before the commencement of the Constitution were applicable to him as a Judge of the High Court for the corresponding Indian State.

"COPY"

Sd/- N. Ramakrishnayya
CHIEF SECRETARY TO GOVERNMENT.

KPA

12/10

Copy of letter No. 442/GAD dated 11th August 1950 from the Accountant-General, Mysore, Bangalore to the Chief Secretary to - Government of Mysore, Bangalore.

Adverting to Government Notifications Nos. 12521-23/C.B. dated 23rd March 1950, 5156/C.B. 317-49-2 dated 3rd July 1950 granting furlough and privilege leave respectively to Sri N. Balakrishniah, B.A .,LL.B., Judge, High Court of Mysore, I write to state that under Article 238 (item 13) of the Constitution of India, it appears that such Notifications regarding grant of leave etc., can be issued only by the President after consultation with the Rajapramukh and not by the Local Government. I therefore request you to kindly consult the Law Department of Government and apprise this office of the correct Constitutional position. The bill preferred by Sri N. Balakrishniah claiming his leave allowance for June 50, has however, been passed provisionally.

"Copy"

for Chief Secretary to Government.